

EXHIBIT NO.

1

29

6-12-04

Docket Item #34

ENCROACHMENT #2004-0003

Planning Commission Meeting

June 1, 2004

ISSUE: Consideration of a request for encroachment into the public right-of-way for a patio at a restaurant.

APPLICANT: Fireflies
by Marylisa Damiani and Daniel Lichens

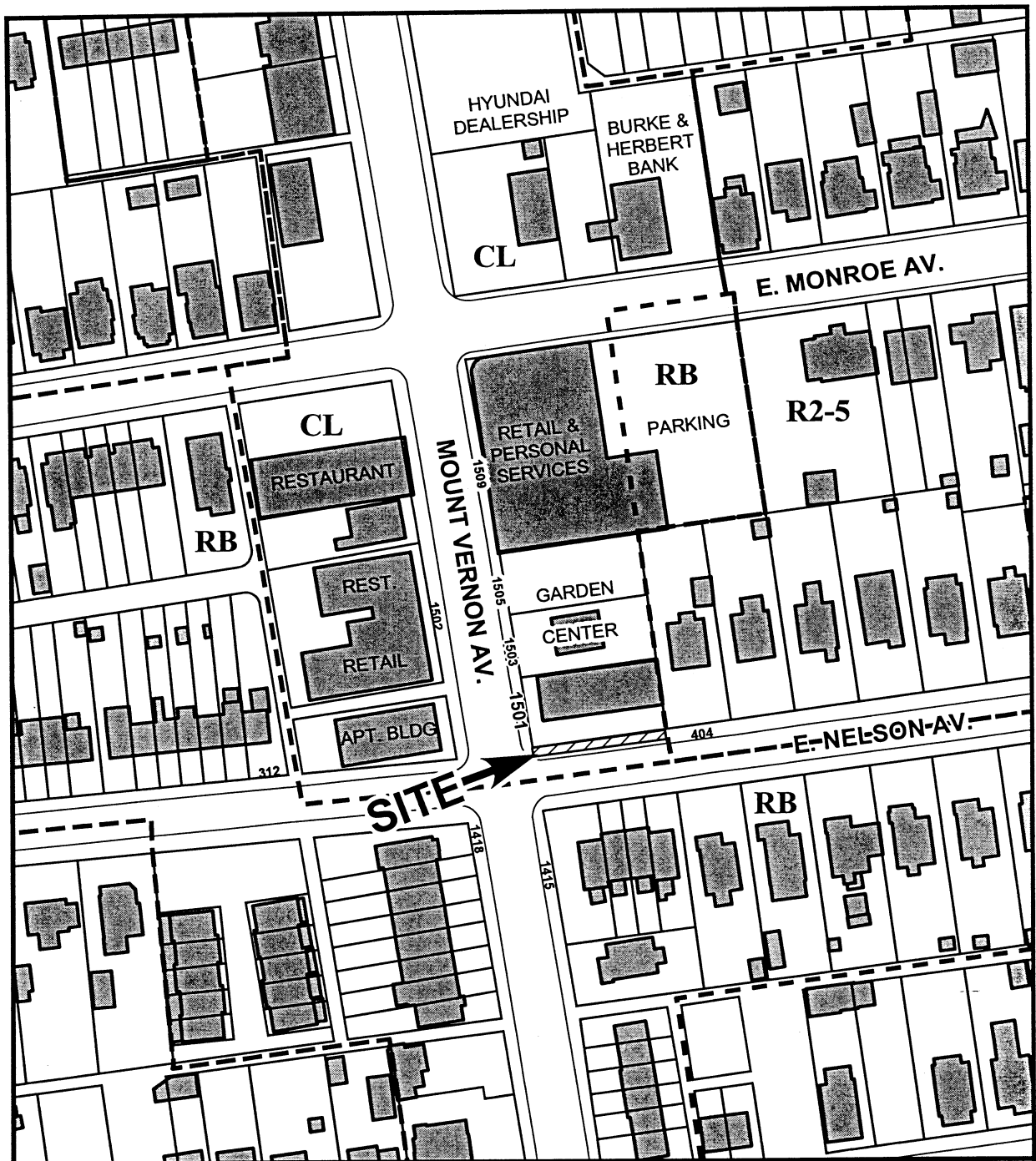
LOCATION: 1501 Mount Vernon Avenue

ZONE: CL/Commercial Low

PLANNING COMMISSION ACTION, JUNE 1, 2004: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



ENC #2004-0003

06/01/04



1. DISCUSSION

REQUEST

The applicant, Fireflies, represented by Marylisa Damiani and Daniel Lichens, requests approval of an encroachment to extend the existing outdoor seating area into the public sidewalk right-of-way in front of 1501 Mount Vernon Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 54 feet of frontage on Mount Vernon Avenue, 103 feet of depth and a total lot area of 5,562 square feet. The site is developed with a one story, masonry commercial building. Residential uses lie to the east, south and west of the subject property. Commercial uses line Mount Vernon Avenue to the north.

PROJECT DESCRIPTION

The Fireflies restaurant has been in business at this location for more than two years. A total of 68 seats are currently permitted for the premises, which includes up to 12 outdoor seats in the summer months. This application is part of the applicant's effort to enhance the restaurant. It is also applying for a special use permit amendment to add seats, extend the operating hours and the sale of alcoholic beverages, and to offer light music entertainment (see SUP#2004-00045).

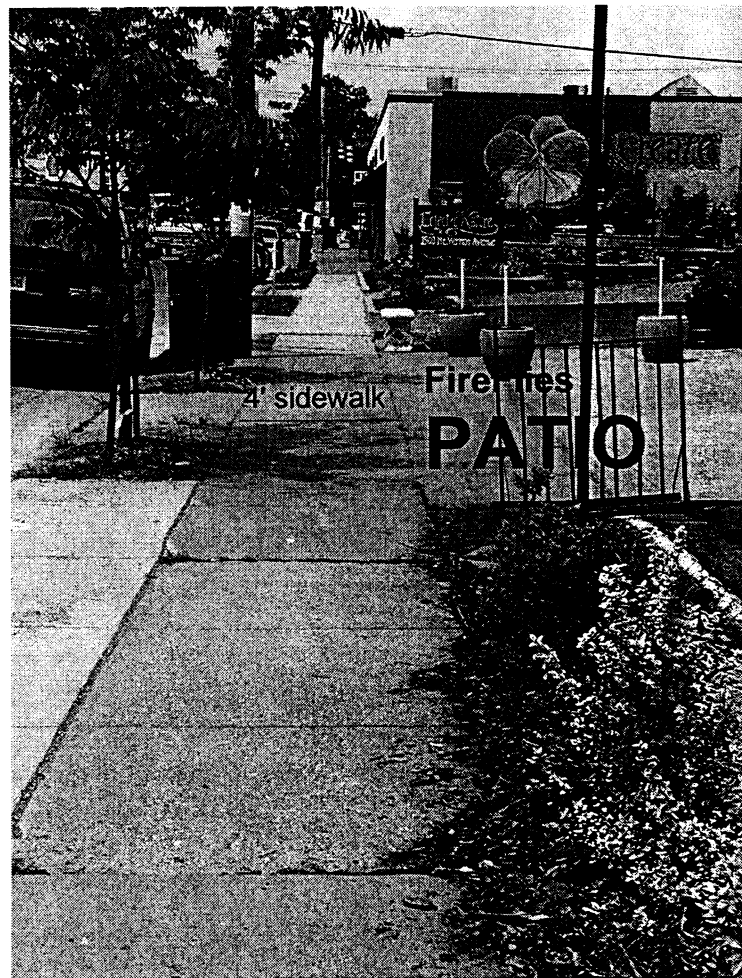
The applicant requests approval to extend the depth of the outdoor seating area in front of the restaurant two feet and nine inches into the sidewalk and towards the street. The restaurant currently offers outdoor seating but intends to enclose the patio with a railing and to elevate the two seating areas, which are located north and south of the main entrance, by approximately five inches to the level of the restaurant. The existing slope and handicapped access to the restaurant's entrance will be maintained. Each side will provide twelve seats and can be accessed from the main entry area (see attached plans). In addition to ABC (Alcohol and Beverage Control Board) regulations requiring a restaurant serving alcoholic beverages to provide a clear physical separation to prevent the general public access to the outdoor seats, the applicant states that the enclosure and elevation of the patio will also define and beautify the restaurant's facade along Mount Vernon Avenue.

Proposal Details:

The applicant proposes to encroach two feet and nine inches into the public sidewalk, which will leave a four feet sidewalk for pedestrian access between the seating area and sidewalk features, such as a light post, trash can and tree wells (see picture on next page).

The encroachment dimensions read as follows:

	North Section	Walkway	South Section	TOTAL
<u>Width</u>	2'-9"	2'-9"	2'-9"	
<u>Length:</u>	10'	6'	12'	
<u>Area in square feet:</u>	27.5	16.5	33	77



ZONING / MASTER PLAN: The subject property is located in the CL/Commercial Low zone. Section 4-100 of the Zoning Ordinance allows a restaurant in the CL zone only with a special use permit. The existing use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use. The use is also subject to the Mount Vernon Urban Design Guidelines.

II. STAFF ANALYSIS

Staff supports this request to encroach slightly into the sidewalk along Mount Vernon Avenue because staff believes it will improve the appearance and operation of the outdoor seating area of this restaurant. Outdoor seating is an important feature of the restaurant and also a key element of a pedestrian environment on Mount Vernon Avenue. The extension of the outdoor seating area to the natural existing pavement break with the installation of railing around the area will define the restaurant's perimeter, will be more inviting to customers and will be easier to monitor. Furthermore, the proposed railing around the perimeter of the encroachment will align exactly with the landscape beds on either side of the patio area (see photo and attached plans). With the addition of landscaping in planters, it will add to the attractiveness of the street and the block.

While strongly supporting outdoor seating generally, and this application specifically, staff notes that the pedestrian sidewalk area remaining beyond the seating area is small, only four feet wide. Staff usually requires a minimum width of five feet for pedestrians, and there are some locations where even more sidewalk area is recommended. However, as staff analyzed other sidewalk widths along Mount Vernon Avenue, particularly measuring the clearance between the building line and/or outdoor seating areas and sidewalk features such as light poles, trees and trash cans, it found that it is not uncommon to have only a 4 foot sidewalk for passage. In addition, there is only a four foot width at Mancini's restaurant, and four feet seven inches at St. Elmo's coffeehouse, although there is eight feet at the Evening Star Cafe, and the Panetier restaurant. In conclusion, staff supports the proposal based on the choice to maintain the street scape of the subject side and its immediate neighbor and the fact that similar sidewalk widths in front of other outdoor seating areas along Mount Vernon Avenue appear to function well.

Staff notes that the City is currently completing its streetscaping and utility undergrounding program for this area, and that as part of this program, and in cooperation with the property and business owners, it is replacing the concrete sidewalk with masonry paving in accordance with Mt. Vernon Avenue Design Guidelines. Because the applicant is proposing to elevate the patio area on both sides of the entrance, the City will not be able to include this portion of the property in the paving program. However, staff has included a condition requiring the applicant to submit plans and obtain approval of the Director of Planning and Zoning for the patio's design, material and location. In addition, staff recommends that the applicant install masonry pavers for the walkway between the seating areas from the edge of the public right-of-way to the front building

ENC #2004-0003
1501 Mount Vernon Avenue

wall of the restaurant (on private property) in order to create an aesthetically pleasing connection between the private property and sidewalk.

Finally, staff recommends the placement of planters filled with seasonal plants within the outdoor seating area and has included a condition to that effect. With these conditions, staff recommends approval of the encroachment permit subject to the recommended conditions.

III. RECOMMENDED PERMIT CONDITIONS

1. The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
2. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any obstruction encroaching into the public right-of-way, within 60 days, upon notification by the City. (T&ES)
3. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
4. A minimum pedestrian pathway of four feet shall be maintained as shown on the schematic submitted with the application, including where there are sidewalk features, such as a light post and trees. (P&Z) (T&ES)
5. The applicant shall install and maintain landscaped planters, to include four seasons of plants in at least two containers of a style and at a location approved by the Department of Planning and Zoning. (RPCA) (P&Z)
6. The applicant shall participate in the streetscaping and utility undergrounding program for the purpose of installing masonry paving in accordance with Mt. Vernon Avenue Design Guidelines. As part of this program, the applicant shall pay the City of Alexandria to install masonry pavers for the walkway between the seating areas from the edge of the public right-of-way to the front building wall of the restaurant (on private property). (T&ES)
7. Prior to the construction of an outdoor patio, the applicant shall submit plans and obtain approval of the Director of Planning and Zoning for its design, material and location.(P&Z)

8. Loudspeakers shall be prohibited from the exterior of the building.(T&ES)

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Bettina Irps, Urban Planner.

Staff Note:

For commercial properties, the applicant and/or his successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 A minimum pedestrian pathway of 5 feet shall be maintained. Distance to be measured from the face of the curb to encroachment.
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-3 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-4 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-5 The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. ...
- R-6 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.
- R-7 In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any obstruction encroaching into the public right-of-way, within 60 days, upon notification by the City.

- R-8 When the City proceeds with its streetscaping and utility undergrounding program for this area, the applicant shall participate in such program for the purpose of installing masonry paving in accordance with the Mt. Vernon Avenue Design Guidelines. The applicant shall pay the City of Alexandria to install masonry pavers from the edge of the public right-of-way to the front of the building wall of the restaurant (on private property).

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 An Alexandria Health Department Permit is required for all regulated facilities. This facility is currently operating as Fireflies under an Alexandria Health Department permit issued to Food Services, Inc.
- C-1 Food must be protected to the point of service.
- C-2 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-3 Permits or approval must be obtained prior to use of the new area(s).
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions both indoors and at the outside dining areas.
- C-5 Certified Food Managers must be on duty during all hours of operation.

Police Department:

- F-1 No objections.

APPLICATION for ENCROACHMENT # 2004-0003

[must use black ink or type]

PROPERTY LOCATION: 1501 Mt. Vernon Ave. Alexandria 22301

TAX MAP REFERENCE: 043-62-10-22 ZONE: CL

APPLICANT'S NAME: Marylisa Damiani

ADDRESS: 8119 Keeler St. Alexandria 22309

PROPERTY OWNER NAME: Hilary Whitley

ADDRESS: 1105 Villamay Blvd Alexandria 22307

ENCROACHMENT DESCRIPTION: Pour concrete slabs for patio even to sidewalk

INSURANCE CARRIER (copy attached) _____ POLICY # _____

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Marylisa Damiani
Print Name of Applicant or Agent

[Signature]
Signature

8119 Keeler St
Mailing/Street Address

703-548-7200 703-548-3355
Telephone # Fax #

Alexandria VA 22309
City and State Zip Code

3.4.04
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY
Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

ENC 2004-0003

ACORD. CERTIFICATE OF LIABILITY INSURANCE		CSR GM FIREF-1	DATE (MM/DD/YYYY) 04/06/04
PRODUCER Clarke & Sampson, Inc. www.clarkeandsampson.com 228 S. Washington St., Ste 200 Alexandria VA 22314-5404 Phone: 703-683-6601 Fax: 703-739-8967		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED Fire Flies Food Service, Inc t/a 1501 Mount Vernon Ave Alexandria VA 22301		INSURERS AFFORDING COVERAGE INSURER A: Travelers Indemnity of America INSURER B: INSURER C: INSURER D: INSURER E:	NAIC # 25666

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADDT	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
LTR	INSRD						
A		GENERAL LIABILITY	I6803249A482TIA03	07/10/03	07/10/04	EACH OCCURRENCE	\$ 1000000
		<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 300000
		<input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ 5000
		<input checked="" type="checkbox"/> Business Owners				PERSONAL & ADV INJURY	\$ 1000000
		GENTL AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE	\$ 2000000
		<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG	\$ 2000000
		AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	\$
		<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
		<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
		<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
		<input checked="" type="checkbox"/> HIRED AUTOS					
		<input checked="" type="checkbox"/> NON-OWNED AUTOS					
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
		<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	\$
						AGG	\$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	\$
		<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$
							\$
		<input type="checkbox"/> DEDUCTIBLE					\$
		<input type="checkbox"/> RETENTION \$					\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTH-ER
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E L EACH ACCIDENT	\$
		If yes, describe under SPECIAL PROVISIONS below				E L DISEASE - EA EMPLOYEE	\$
						E L DISEASE - POLICY LIMIT	\$
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

The City of Alexandria is an additional insured, ATIMA

CERTIFICATE HOLDER

CITY004

City of Alexandria
 301 King Street
 Alexandria VA 22314

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Gina M. Marion

2107 Mount Vernon Avenue Alexandria, VA
703.548.1378 (V) • 703.519.9614 (F) • rslarson@aol.com

Fire Flies

1501 Mt. Vernon Ave
Alexandria, Virginia 22301

Existing Site Conditions

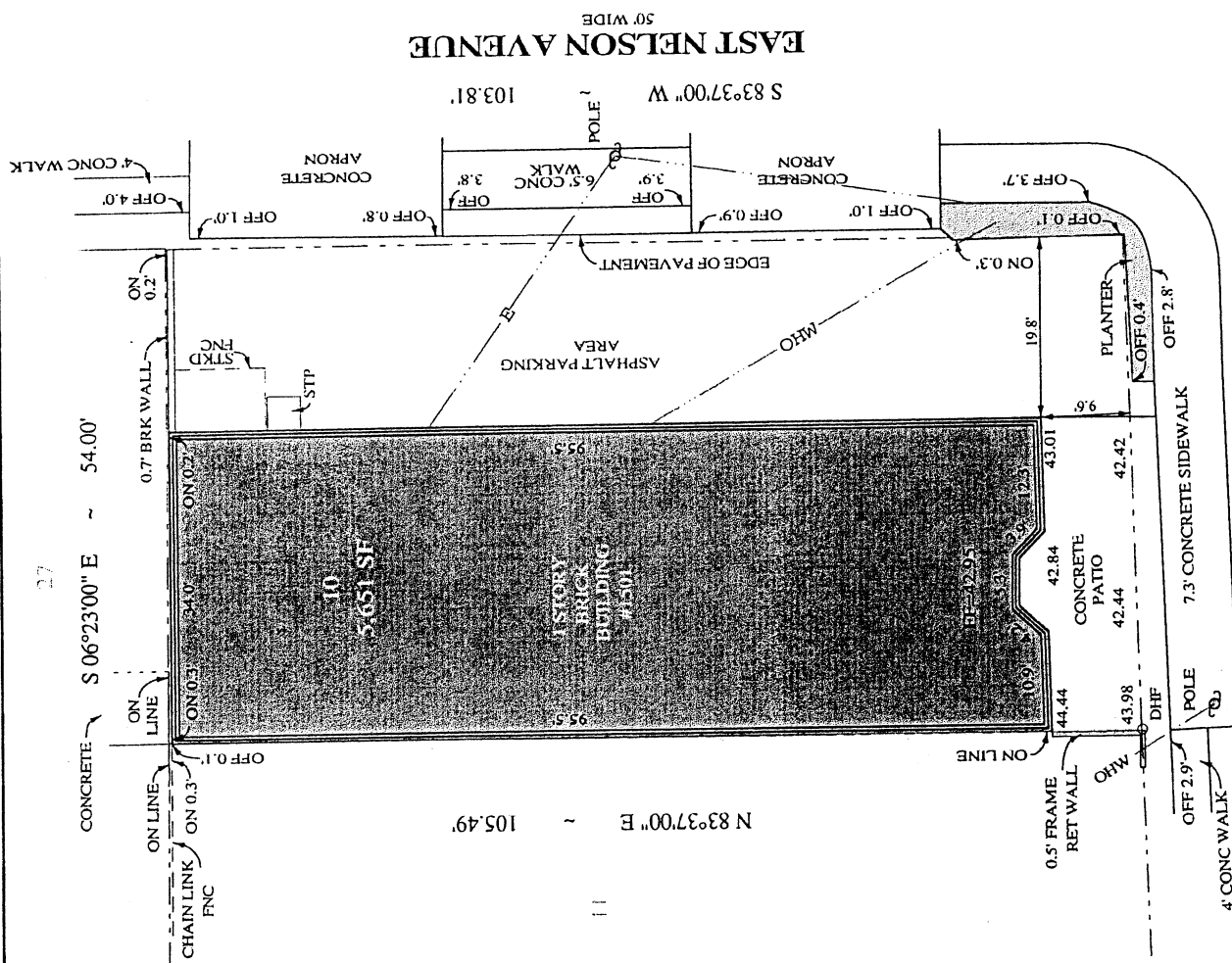
Executive Summary

As Noted

Job No. 0328	Date March 22, 2004	Drawn / Approved WIIIH / RSL
-----------------	------------------------	---------------------------------

Drawing No.

四



N 08°10'00" W ~ 54.03'

MOUNT VERNON AVENUE
VARIABLE WIDTH

Site Plan

SCALE: 1" = 10'



Fire Flies

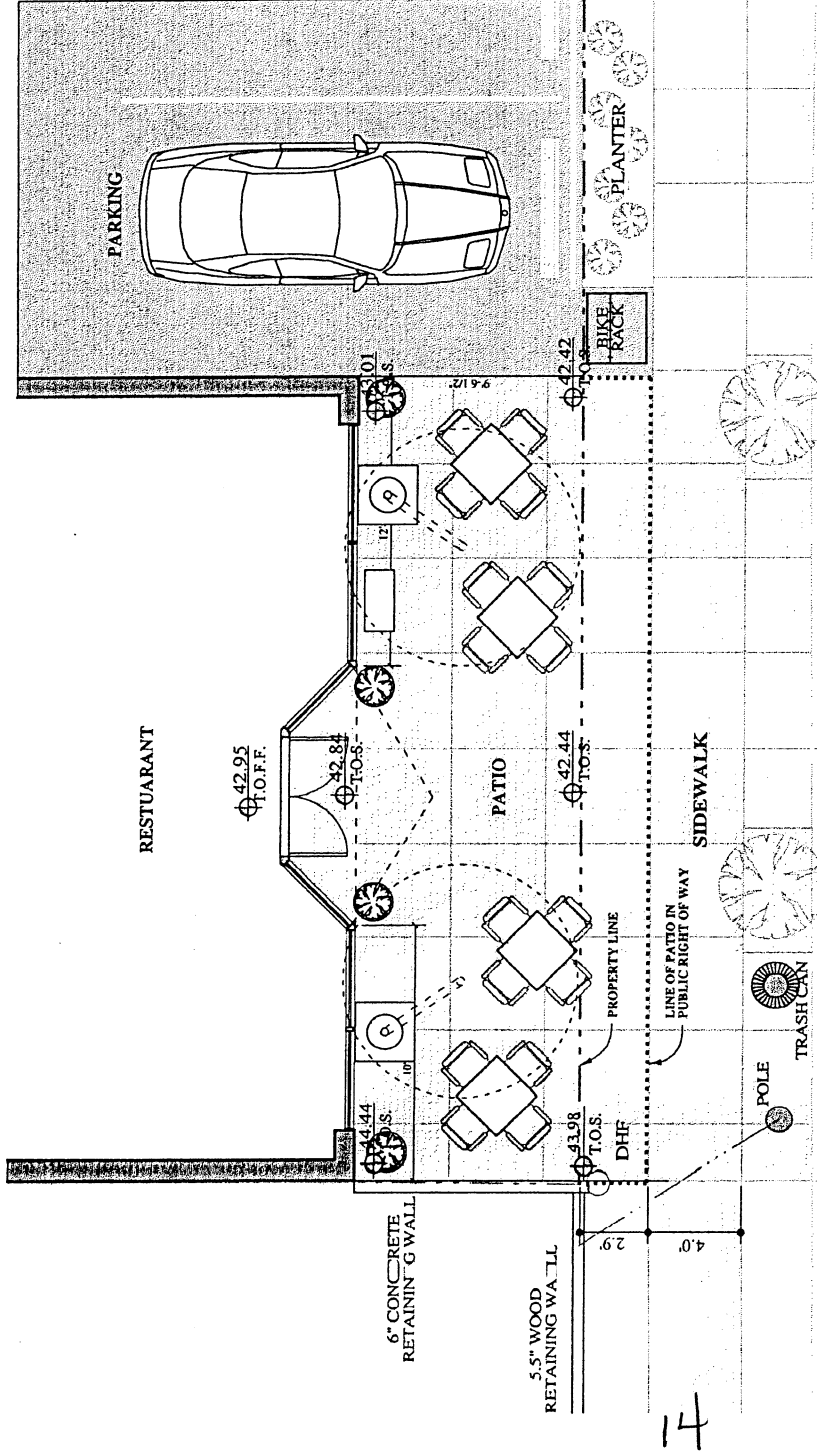
1501 Mt. Vernon Ave.
Alexandria, Virginia 22301

Proposed Patio Plan

Scale
As Noted

Job No. 0328
Date March 22, 2014
Drawn By WHH/RSJ

A-1



MOUNT VERNON AVENUE

1 Patio Plan
SCALE: 1/4" = 1'-0"

FireFlies

1501 Mt. Vernon Ave
Alexandria, VA 22301
Phone 703-548-7200
Fax 703-548-3355

Bettina Irps,
RE: Encroachment and Handicap Accessibility.

The patio we are planning on constructing is proposed to overlap in the public right of way. As per our conversation earlier this week you expressed some concern of maintaining a five foot sidewalk. The current sidewalk width of Mount Vernon Avenue is four feet wide consistently throughout Del Ray. There is also a median of concrete from the edge of the sidewalk to the curb measuring three feet that also acts as a sidewalk to extend the total width of the sidewalk to seven feet. This is also consistent with the property's that border Mount Vernon Avenue through the Del Ray neighborhood. We feel that our proposed patio is consistent with the general aesthetics of the neighborhood and will not cause any problems with the foot traffic along our street. That said however, if at any time the city plans on widening the sidewalks to five feet along the length of Mount Vernon Avenue we will at our expense repair the concrete to allow for the necessary walkway. Additionally we would make a contribution to the Open Space Fund equal to the land value of the encroachment.

Regarding the three foot aisle for accessibility, we agree that this is a good idea and will actually allow our guest a more comfortable dining experience. As you can see from our attached drawing we will surely have plenty of room to allow for this and still comfortably seat 24 guest. The additional 8 seats we are asking for are to accommodate a large table that we are planning on adding to the rear of the restaurant which allow a place for large families to dine together.

If you have any other questions please feel free to call me at 703-548-7200.

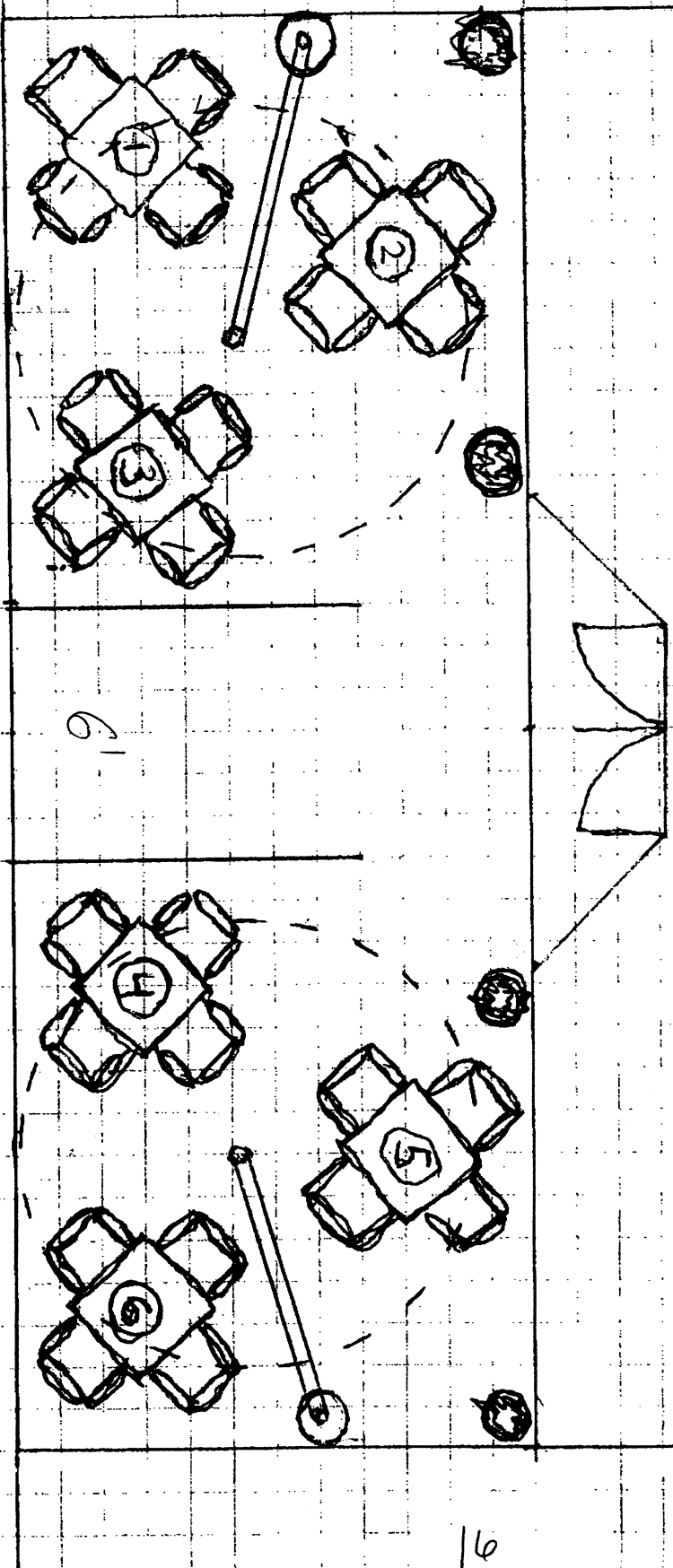
Sincerely,



Daniel Lichens

Please Note tables numbered 2+3 could be turned to meet ADA requirements, Three feet of aisle between tables shall be maintained.

Stone



Side walk 4'

← 37 →

Scale: 1/4" = 1'

Del Ray Citizens Association

PO Box 2233

ALEXANDRIA VA 22301

ESTABLISHED 1954

To: Members of Alexandria Planning Commission
Eileen Fogarty, Director, Office of Planning and Zoning

From: Amy Slack, Land Use Committee Co-Chair
Sarah Haut, Land Use Committee Co-Chair
Justin Wilson, President

Date: May 31, 2003

Subject: Encroachment #2004-0003, Fireflies at 1508 Mt. Vernon Ave.
Consideration of a request for an encroachment into the public right-of-way for a patio at a restaurant; zoned CL/Commercial Low.
Applicant: Marylisa Damiani and Daniel Lichens

The applicant, Ms. Marylisa Damiani, attended the Land Use committee meeting on May 13, 2004 to review the proposal. We distributed flyers and the item was previously announced in the Association newsletter and at the general membership meeting.

The applicants have made a separate request to encroach into the public right-of-way in conjunction with a SUP request to intensify use of a restaurant. The existing outdoor seating area is not level and they wish to create a level patio. They propose to encroach into the public-right-of-way 2'9" and construct a concrete pad, 5" tall at its highest point, in front of the restaurant. The pad will be enclosed with fencing or planters. A sloped entry way will allow handicapped access into the front of the restaurant. The remaining 4' wide right-of-way will be consistent with the blockface.

The Land Use committee recommends and Executive Board supports the request to encroach with the following condition:

- That in the event the City shall have need for the area of the proposed encroachment, the applicant or subsequent occupant shall remove any structure or projection that encroaches into the public ROW, within 60 days, upon notification by the City.

We request your support for this position and welcome your questions and comments. Please feel free to contact Co-chairs Amy Slack at 703-549-3412 or Sarah Haut at 703-838-9060 and President Justin Wilson at 703-299 1576.

PC 06.01.04 di#34

To: Mayor Eulle, Vice Mayor Pepper, Councilman Gaines, Councilman Krupicka, Councilman Macdonald, Councilman Smedberg, and Councilwoman Woodson

Subject: SUP # 2004-0045 and #2004-0003, 1501 Mt. Vernon Ave, Fireflies Restaurant

Date: June 10, 2004

We live in close proximity to Fireflies Restaurant. City Council members will review and vote on their revised SUP at the June 12, 2004 Public Hearing.

The owners of Fireflies have worked very hard to establish a nice restaurant and they continue to be conscientious neighbors. We want them to continue being successful.

We support all of the changes in their SUP with exception to one – the increase in seating. They currently have 68 seats and are asking for an increase of 32 seats. They will require a total of 25 off-street parking spaces. They have 5 on-site spaces and have an agreement to use 2 spaces at Eclectic Nature next door during off hours as well as 8 spaces at Burke and Herbert Bank during off hours. While it is highly likely that patrons will use the 2 spaces at Eclectic Nature for parking in the evenings, it is highly unlikely they will use the spaces located at Burke and Herbert Bank due to its distance from the restaurant.

On-street parking in the section of Mt. Vernon Avenue where Fireflies is located has become increasingly scarce on the weekends and evenings. There are businesses with little or no parking in this area including Auto Sound Express (no parking), Al's Steakhouse (no parking), Eclectic Nature (2 spaces), and Fireflies (5 spaces). Furthermore, this area is densely populated with many townhouses and an apartment building adding to the demand for on-street parking.

We are concerned that such a significant increase in seating will make the parking situation at the southern end of Mt. Vernon Avenue similar to the area around Evening Star. Evening Star also has limited parking and has placed a huge burden on the neighbors. It is hard to find an on-street parking space within a 2 block radius of this restaurant on a Friday or Saturday night. This may not seem unreasonable unless you are a resident with no off-street parking and a carload of groceries.

We ask that you consider approving an increase of 16 seats. Thirty-two seats is nearly a 50% increase in seating. An increase of 16 seats is more reasonable, will not have as adverse an impact on the neighborhood, and will allow Fireflies to expand their business.

We also have a concern regarding the request for a full ABC license, but only based on what might happen if the Fireflies restaurant is sold to another owner. Fireflies currently sells wine to its patrons and this has never caused problems. We are confident that the owners of Fireflies will continue to be responsible with regard to selling alcoholic beverages. Fireflies does not have a bar and the owners stated that they have no intention of installing one. They have established a nice restaurant with a family atmosphere and we don't think the sale of "hard" liquor will change this. We are concerned that if the restaurant is sold, a subsequent owner may choose to make the restaurant more of a bar atmosphere which could be disruptive to the neighborhood. **We request that a condition be added to the SUP stating that the owners will not be allowed to install a**

bar or designate a bar service area in the restaurant. This condition was also requested by the Del Ray Citizen's Association.

While it is true that residents who live close to a commercial district should expect some parking issues, it is not fair to place an enormous burden on them with regards to parking or the potential of having a bar located so close to residences.

We feel that our request is a fair compromise allowing Fireflies to grow its business while having less of an impact on the neighborhood. Fireflies will still be able to increase its profits through a moderate increase in seating, catering sales, increased hours of operation, and the sale of alcoholic beverages. Please consider our request so that Del Ray can remain the neighborhood that we love!

Respectfully,


- ① Sarah Haut
Sarah Haut
228 E. Nelson Ave
- ② Maria E. Peacock
MARVA PEACOCK
300 E. Nelson Ave
- ③ Ian Clements
IAN CLEMENTS
218 E. NELSON AVE.
- ④ Marcia Lohr
MARCIA LOHR
310 E. Nelson Ave
- ⑤ Heidi Dickens
Heidi Dickens
1416 Mt. Vernon Ave.
Alexandria, VA
- ⑥ Sarah Clements
SARAH CLEMENTS
218 E. Nelson Ave.
- ⑦ James A. Nooney
James A. Nooney
305 E. Nelson Ave
- ⑧ Greg Sullivan
Greg Sullivan
1414 Mt. Vernon Ave.
- ⑨ Dana R. Cottrill
Dana R. Cottrill
226 E. Nelson Ave
Alexandria, VA 22301
- ⑩ Dave Rachels
320 E Nelson ave
Apt D3
Alexandria VA 22301
- ⑪ Julia Meredith
Julia Meredith
222 E Nelson Ave
- ⑫ [Signature]
226 E. Nelson Ave.
Alexandria, VA 22301

Continuation Signature Page for letter to Mayor Euille and City Council Members from neighbors of fireflies

Subject: SUP # 2004-0045 and #2004-0003, 1501 Mt. Vernon Ave, Fireflies Restaurant

We support the SUP request with the following changes:

1. **We ask that you consider approving an increase of 16 seats.**
2. **We request that a condition be added to the SUP stating that the owners will not be allowed to install a bar or designate a bar service area in the restaurant.**

⑬ MATTHEW S. TRUSLOW

224 E. NELSON AVE.
ALEX. VA 22301

⑭ Rainey Artin
1406 Mount Vernon Ave
Alexandria, Va 22301

⑮ Paul DeMuth
PAULA DEMUTH
1410 Mount Vernon Ave
ALEXANDRIA, VA 22301

⑯ Gerald Kubeka
GERALD KUBEKA
420 E NELSON AVE
ALEX, VA. 22301

April 29, 2004

28,29
6-12-04

Charles Goodman
403A East Nelson Ave.
Alexandria, VA 22301

I live across East Nelson from FireFlies restaurant. I have been very happy to have them as neighbors and as a great asset to Del Ray.

On occasion, I have made a point of seeing how parking is affected. I have always been able to spot open spaces both on Nelson Ave and on Mount Vernon Ave.

I greatly enjoy having FireFlies as a friendly asset to my block. The owners, to my knowledge, have always extended themselves to be good business citizens as well as thoughtful neighbors.

I wholeheartedly endorse their expansion plans.

Charles Goodman


April 29, 2004
CHARLES GOODMAN
403A EAST NELSON AVE
ALEXANDRIA VA 22301

I LIVE ACROSS EAST NELSON
FROM FIREFLIES RESTURANT. I
HAVE BEEN VERY HAPPY TO HAVE
THEM AS NEIGHBORS AND AS A
GREAT ASSET TO DELRAY.

ON OCCASION, I HAVE MADE A
POINT OF SEEING HOW PARKING
IS EFFECTED. I HAVE ALWAYS
BEEN ABLE TO SPOT OPEN
SPACES BOTH ON NELSON AVE
AND ON MT VERNON AVE.

I GREATLY ENJOY HAVING FIREFLIES
AS A FRIENDLY ASSET TO MY
BLOCK. THE OWNERS, TO MY
KNOWLEDGE, HAVE ALWAYS
EXTENDED THEMSELVES TO BE
GOOD BUSINESS CITIZENS AS WELL
AS THOUGHTFUL NEIGHBORS.

I WHOLEHEARTEDLY ENDORSE THEIR
EXPANSION PLANS.



28/29

I support FireFlies as a growing business in Del Ray and I would like to see them expand to 100 seats.

6-12-04

NAME	ADDRESS	SIGNATURE
JAMES AMES	412 E. NELSON	James Ames
Tom Hattaway	414 E. NELSON	Tom Hattaway
CHRIS HONKOMP	426 E. NELSON AVE	Chris Honkomp
CLIFTON PATTERSON	431 E. NELSON AVE	Clifton Patterson
H.M. NIERNBERGER	508 E. NELSON AV	H.M. Nieremberger
STEVE GREGG	523 E. NELSON AV	Steve Gregg
RICK HUGHES	533 E. NELSON AV	Rick Hughes
JESSICA HUGHES	533 E. NELSON AVE	Jessica Hughes
ROBERT H. SHRIVER, III	535 E. NELSON AVE	Robert H. Shriver
DEWITT J. PHELPS	547 E. NELSON HUE	Dewitt J. Phelps
LISA RAYNER	548 E. Nelson Ave	Lisa Rayner
David Hays	547 E. Nelson Ave	David Hays
MICHAEL BAUNELLE	549 E. NELSON AVE	Michael Baunelle
JONAS FERET	554 E. NELSON AVE	Jonas Feret
ROB LEEKOP	563 E. NELSON AVE	Rob Leekop
SABERWA HICKS	567 E. Nelson Ave	Saberwa Hicks
Ed Allard	567 E. Nelson	Ed Allard
Kevin Cochran	1416 Leslie Ave	Kevin Cochran
Alain Murphy	1416 Leslie Ave	Alain Murphy
DENISE TRUAX	530 E. Alexandria Ave	Denise A. Truax
Sam Jones	516 E. Alexandria Ave	Sam Jones
DAN LOURY	509 E. NELSON AVE.	Dan Loury
DICK FRANKS	505A E. Alexandria Ave.	Dick Franks
PATRICK WELSH	413 E. Alexandria Ave	Patrick Welsh
Lisa Krupicka	409 E. Alexandria Ave	Lisa Krupicka
Tamr Mohamed	1403 MT. Vernon Ave	Tamr Mohamed
Bessa Jones	1411 MT. Vernon Ave.	Bessa C. Jones
Maria Webster	304 W. Nelson Ave	Maria Webster
Brian Sheridan	1405 Wayne St.	Brian Sheridan
Mary Riley	202 E. Alexandria Ave.	Mary C. Riley

I support FireFlies as a growing business in Del Ray and I would like to see expand to 100 seats.

NAME _____

ADDRESS

SIGNATURE

Riley McDonald	202 E. Alexandria Ave.
Loumie McLate	266 E. Alexandria Ave
Karin Fangman	206 E. Alexandria Ave
Tray Thomas	205 E. Alexandria Ave
Carter Puma Cornick	215 E. Alex. Ave
Uley Norris	410 E. Nelson Ave.
Sarah Hennessy	410 E. Nelson Ave.
Jon Selig	410 East Nelson Ave
Prasad Sharma	4106 E. Nelson Ave.
Steph Mosher	303 E. Nelson Ave

Riley Dwyer
 Chandler
 Kimmy
 J. S. P.
 Luke C.
 W. S.
 Sarah Hennessy
 Ray Salin
 L. H.
 S. M.

I support FireFlies as a growing business in Del Ray and I would like to see them expand to 100 seats.

NAME	ADDRESS	SIGNATURE
Veronica Gray	2892 Cedar Crest Ct. Woodbridge, VA 22192	Veronica Gray
Ebony Gibson	308 CRONOCO ST Alex VA 22314	Ebony Gibson
Gretchen Carswell	210 E Howell Ave Alex VA 22301	Gretchen Carswell
Stacy Hazenstab	803 Lutchmere Ct #201 MD 21401	Stacy Hazenstab
Wlie Merritt	1720 WAbingdon Dr #302 Alex VA 22314	Wlie Merritt
Sharon Sudd	2306 Georgian Woods Place Wheaton MD 20912	Sharon Sudd
Deone Hammond-Hatcher	11213 Kettering Pl Upper Marlboro, MD 20772	Deone Hammond-Hatcher
CHRISTIE GASI	8002 Grandview Ct Springfield VA	CHRISTIE GASI
Alyson Garcia	8459 Rippled Creek Ct Springfield	Alyson Garcia
Thomine Gullison	17000 Redison Pol District Heights, MD	Thomine Gullison
Nancy Pearson	319 E. Del Ray Ave Alexandria VA 22305	Nancy Pearson
Marika Julech	8222 BRADY ST Alex VA 22305	Marika Julech
Hanya Collins	9067 Tower House Pl Alex. 22308	Hanya Collins
Dellie Ayres	433 E. Monroe Ave Alex 22301	Dellie Ayres
Lloyd Tucker	2602 Indian Dr C.2 Alex VA 22303	Lloyd Tucker
Jennifer Tolbert	29 W Spring St. Alex VA 22301	Jennifer Tolbert
Richard Flaherty	11089 Timberview Dr Manassas, VA 20111	Richard Flaherty
Sean Flaherty	408 E Glendale Ave Apt 10 Manassas VA 22314	Sean Flaherty
Diane Flaherty	11089 Timberview Dr Manassas VA 20111	Diane Flaherty
Eileen Penella	171 Sonovelle St Alex VA	Eileen Penella
ANGEL GONZALEZ	3806 EXECUTIVE AVE Alex VA	ANGEL GONZALEZ
Susan Hardt	26 E. Windsor Ave (have renters in our house)	Susan Hardt
Robert Davis	4103 Deming Ave	Robert Davis
Pam Matthews	209 E. Mason Ave	Pam Matthews
Barbara Biebrich	3201 Lakeside St #818	Barbara Biebrich
MARGARET HILLSMAN	431A N. WEST ST	MARGARET HILLSMAN
Digna E. Jago	1333 CRONOCO ST.	Digna E. Jago
Carmen A M	6102 NORT KING JW	Carmen A M
Marvira Barahona		Marvira Barahona
Sandra E. Canas	3507 Russell Rd, Alexandria, VA	Sandra E. Canas

I support FireFlies as a growing business in Del Ray and I would like to see them expand to 100 seats.

NAME	ADDRESS	SIGNATURE
Amalia Quinones James Cove road	15345 Bald Eagle Ln. WOODBRIDGE VA 22191 2220 20th St NW Washington DC 20037	Lisa H. Quinones
1. Maria DeLuca	222 N. Royal St Alex	Maria DeLuca
Beth King	2114 Rampart Dr. Alex, Va.	Beth King
Willie Robinson	3114 Nektar Ave MD	Willie Robinson
APRIL SHERIDAN	3401 ACUETA CT	APRIL SHERIDAN
Maria Sheridan	1405 Wayne St 22301	Maria Sheridan
CHARLES GOODMAN	403A EAST NELSON 22301	CHARLES GOODMAN
Shirley	218 CLIFF IDA	Shirley
Colleen Boud	1719 N. Cliff St Alex 22301	Colleen Boud
Devy Saunders	11 E. Glebe Rd Alex 22305	Devy Saunders
TONYA RUFFIN	903 MADISON STREET	TONYA RUFFIN
Phyl Jones	216 MT. IDA	Phyl Jones
Shenika Farmer	256 Burgess Ave Alex 22305	Shenika Farmer
Maria Getoff	28 E. Howell Ave Alex 22301	Maria Getoff
Tucker Carlson	1602 Orchard St. Alex. 22308	Tucker Carlson
Susie Carlson	1602 Orchard street Alexandria	Susie Carlson
Lillie Carlson	1602 Orchard street Alexandria	Lillie Carlson
Karl Smith	802 Ramsey St, Alex, VA	Karl Smith
Naz Nazworth	2 E Cliff St. Apt. 203 22301	Naz Nazworth
Kolard Hall	313 E. Mason Ave.	Kolard Hall
Stacey Hall	313 East Mason Ave Alex.	Stacey Hall
Angela Nazworth	2 E. Cliff St. Apt. 203 Alex. 22301	Angela Nazworth
Dean Garriton	2332 Lakeshire Dr. Alex 22308	Dean Garriton
Julia Garriton	2411 F S Woodley St Arlington 22206	Julia Garriton
Anne Ball	3111 Interbury St, Alex, VA	Anne Ball
M. Agam	315 E. Mount St Alex VA 22301	M. Agam
T. Swales	2701 Farm Rd, Alex, VA 22302	T. Swales
Niemann		Niemann

I support FireFlies as a growing business in Del Ray and I would like to see them expand to 100 seats.

NAME	ADDRESS	SIGNATURE
Claire Niemann	2701 Farm rd.	Claire Niemann
KEN NIEMANN	"	Kenn
Beth Levy	502 E Luray	Beth Levy
Janet Levy	"	Janet Levy
Elizabeth Fisher	1727 Mass Ave NW, WDC 20036	Elizabeth Fisher
JAN LEE ROCHARDS	1712 CORCORAN ST NW WDC 20009	JAN LEE ROCHARDS
Renee Adams	221 E. Windsor Ave., Alex, 22301	Renee Adams
DEAL PHIDOS	221 E. WINDSOR AVE	Deal Phidos
Jamie Reese	3344 Martha Custis	Jamie Reese
Eileen Olsen	2404 Ridge Rd. Dr.	Eileen Olsen
CJ MIKOWSKI	3238 MARTHA CUSTIS DR.	CJ Mikowski
MATTHEW WHITCOMB	1204 ROUNDHOUSE LN., ALEX.	Matthew Whitcomb
Debra Whitcomb	" " "	Debra Whitcomb
Sally Marvin Bennett	607 Virginia Ave. Alex 22302	Sally Bennett
STEVE CAREY	1411 FUSSELL RD. ALEX 22301	Steve Carey
Susanna Carey	1411 FUSSELL RD ALEX 22301	Susanna Carey
Ralph Keloc	221 E. Main Ave Alex 22301	Ralph Keloc
Laura Pye	" " "	Laura Pye
Susan M'Gowan	57 Kennedy St. Alex VA 22308	Susan M'Gowan
Mike McGowan	" " "	Mike McGowan
J.P. Darr	3604 NORRIS PL	J.P. Darr
AMBITA DANCE	11202 Old Cottage Rd, Glen Armore MD	Ambita D. Dance
Harpreet K. Groppa	1600 S. Joyce St. #910 Arlington VA 22202	Harpreet K. Groppa
Linde Ballard	11 E. Robt Ave Alex, VA 22301	Linde Ballard
William J. Bunt	11 E Nelson Ave Alex 22301	William J. Bunt
Tom Albright	320 23rd St #518 Arlington, VA 22202	Tom Albright
Ann Kyrk	" " "	Ann Kyrk
Dan Haney	6404 14th St Alex. 22307	Dan Haney
Susan Metcalfe	6404 14th St, Alex.	Susan Metcalfe
Sarah Wells	3300 Holly St, Alex	Sarah Wells

I support FireFlies as a growing business in Del Ray and I would like to see them expand to 100 seats.

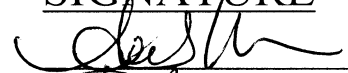
NAME

ADDRESS

SIGNATURE

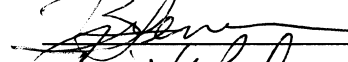
Atila Kocsis

3300 14th St, Alex



~~Beth Higgins~~

~~4121 Elliott St NW DC~~

~~~~

David Berker

4211 Elliott St NW DC



Chris Friedl

3308 N 23rd St, 22201



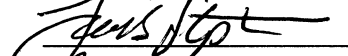
Andrew Hamilton

112 Eastspring St, 22301



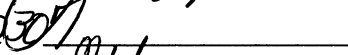
Jim Stephenson

1717 Rice St.



Maureen Bates

2009 Swan Terr. Alex VA 22307



Betsy Reynolds

1410 Edgemoor Dr 22307



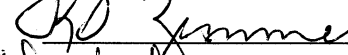
Jim H. Macdonald

244 Woodland K, 22302



Rob Zimmerman

40 Wolfe St 22314



~~V. J. Horan~~

~~604 S. Lee St. - 22314~~

~~~~

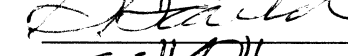
~~Tiffany Payne~~

~~632 N Calantost St 22314~~

~~~~

Sara Scarbitt

632 N Calantost St, 22314



Scott Patterson

6 E Chapman St 22301



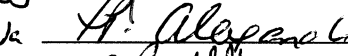
Kyle Marble

7 Buttrick Ct Mart. Village MD 20896



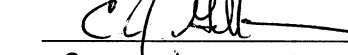
Tully Pepp

2500 N. Van Dam St. Alexandria VA



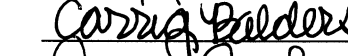
C.J. Grebb

" " "



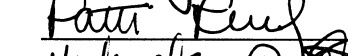
Carrig Balderston

1505 Stonewall Road



Patti Reilly

"



Michaela Balderston

1505 Stonewall Road



KRIS M. BALDERSTON

1505 Stonewall Rd.



Christa B. Clark

28 E. Mason Ave #3 ALEX VA



Parker White

" " 22301



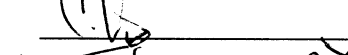
K.B. Kite

1714 Stillman Terr Fairfaxburg MD



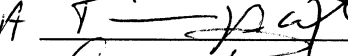
Cynthia Vinsen

1407 E. Abingdon D. Alexandria



Tim Baxter

1202 N. Quantico Rd 22304



Carachi Borge

4342 Taney Ave Alexandria



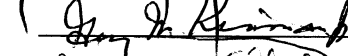
Jon R. [unclear]

215 Century Plow #1413 VA



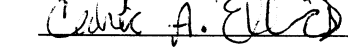
Shirley M. Kinnison

1715 Bollinger Ave B-22304



Cedric Ellis

1613 Vernon Street Richmond, VA 23227



Guy M. Kinnison Jr.



Gary Hardin

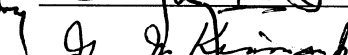
Jon R. [unclear]

215 Century Plow #1413 VA



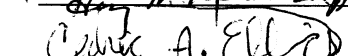
Shirley M. Kinnison

1715 Bollinger Ave B-22304



Cedric Ellis

1613 Vernon Street Richmond, VA 23227



APPLICATION for ENCROACHMENT # 2004-0003

29

[must use black ink or type]

PROPERTY LOCATION: 1501 Mt. Vernon Ave. Alexandria 22301

TAX MAP REFERENCE: 043-02-10-22 ZONE: CL

APPLICANT'S NAME: Marylisa Damiani

ADDRESS: 8119 Keeler St. Alexandria 22309

PROPERTY OWNER NAME: Hilary Whitley

ADDRESS: 1105 Villamay Blvd Alexandria 22307

ENCROACHMENT DESCRIPTION: Pour concrete slabs for patio even to sidewalk

INSURANCE CARRIER (copy attached) _____ POLICY # _____

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Marylisa Damiani
Print Name of Applicant or Agent

[Signature]
Signature

8119 Keeler St
Mailing/Street Address

703-548-7200 703-548-3355
Telephone # Fax #

Alexandria VA 22309
City and State Zip Code

3.4.04
Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 06/01/04 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 06/12/04 Approved 6-0